

**FLATHEAD COUNTY PLANNING BOARD
MINUTES OF THE MEETING
JULY 18, 2007**

**CALL TO
ORDER**

A meeting of the Flathead County Planning Board was called to order at approximately 6:00 p.m. Board members present were Michael Mower, Randy Toavs, Gordon Cross, Gene Dziza, Kathy Robertson, Don Hines, and Frank Dekort. Kim Fleming and Barry Conger had an excused abs cense. George Smith and BJ Grieve represented the Flathead County Planning & Zoning Office.

There were approximately 13 people in the audience.

PUBLIC REVIEW

Gene Dziza reviewed the public hearing process.

**APPROVAL OF
MINUTES**

DeKort made a motion seconded by Toavs to approve the June 13, 2007 minutes.

The motion was carried by quorum.

**PUBLIC
COMMENT
(not related to
agenda items)**

None.

**ZONE CHANGE/
PLOYHAR
FZC-07-02**

A Zone Change request in the Evergreen Zoning District by David Ployhar, from SAG-10 (Agricultural) to I-1 (Light Industrial). The property is located at 1128 Rose Crossing.

STAFF REPORT

George Smith reviewed Staff Report FZC 07-02 for the Board.

**BOARD
QUESTIONS**

None.

APPLICANT

David Ployhar said other industrial areas in the neighborhood had been grandfathered in. He would like to see it turned into commercial property because that's what is what it is used for. He pays taxes for commercial property and there are businesses all around him. He feels like the zone change complies with the Growth Policy.

Cross asked about if the property owner to the South is requesting a zone change also.

Ployhar said it is true, but nothing has officially been turned in.

AGENCIES	None.
PUBLIC COMMENT	None.
APPLICANT REBUTTAL	None.
STAFF REBUTTAL	None.
BOARD DISCUSSION	None.
MOTION TO ADOPT F.O.F.	Cross made a motion seconded by Robertson to adopt Staff Report FZC 07-02 as findings-of-fact.
BOARD DISCUSSION	Cross pointed out Growth Policy, section 5, discusses adequate industrial land.
MOTION TO AMEND F.O.F. 1	Cross made a motion seconded by Robertson to amend finding one to state: <i>The use, being compliant with Goal Five of the Growth Policy to provide industrial and commercial zoning with minimal residential, is in compliance with the Flathead County Master Plan.</i>
	The motion was carried by quorum.
MOTION TO APPROVE	Robertson made a motion seconded by DeKort to recommend approval of FZC 07-02 to the County Commissioners.
ROLL CALL TO APPROVE	On a roll call vote the motion passed unanimously.
BOARD DISCUSSION	None.
PRELIMINARY PLAT/ BONNIE ACRES, RESUB LOT 4 FPP-06-60	A request by Bonnie Kenny for Preliminary Plat approval of the Re-subdivision of Lot 4 of Bonnie Acres, a two (2) lot single-family residential subdivision on 5.02 acres. Lots in the subdivision are proposed to have individual water and septic systems. The property is located at 1616 Conn Road.
	Gordon Cross recused himself from the application.
STAFF REPORT	BJ Grieve reviewed Staff Report FPP 06-60 for the Board.
BOARD QUESTIONS	None.

APPLICANT

Olaf Irvin, of Montana Mapping, said the project is pretty straight forward. He showed on the map other properties the applicant's owned and why they created the roads the way they did. There were concerns about groundwater so the applicant did some research/testing and didn't find any problems.

**BOARD
QUESTIONS**

Toavs asked if the same people owned all the lots.

Irvin said yes.

Toavs asked if any stipulations can be put on the two adjacent lots to prevent further subdivision.

Grieve said there can't be any stipulations put on the lots.

Robertson asked if there is a time limit on approach permits.

Irvin wasn't aware of any time limit. He showed on the map where the approaches would be.

Grieve said the application has been in the process for a long time and that's why some of the documents are old.

Mower said the project looks like it's going to be split again. He said putting the road somewhere else would make more sense if the property is going to be split again.

Irvin said there might be a smarter way to put in the road.

DeKort said the vicinity map shows eight, five-acre lots.

Irvin showed on the map what lots were owned by the applicants.

Toavs asked how the lots are accessed right now.

Irvin said they are not a part of the subdivision so he didn't know.

Grieve showed the Board members the adjacent property notification list.

AGENCIES

None.

**PUBLIC
COMMENT**

Kathryn Cross, 1600 Conn Road, showed pictures to the Board showing dust problems. She said there are two gravel pits in the area and DEQ sited Conn Road as having dust problems. The

road was closed the past winter because the drifts were so high it couldn't be plowed. She showed a map to the Board and discussed how all the lots were split from minor subdivisions and family transfers. She said 14 lots have been divided and requested the application be denied.

Lois Smith, 1761 Conn Road, lives north of the proposed subdivision. She has lived in the area since 1966. She has seen various water problems and showed pictures of the water problems in the area. She showed on the map the way the water naturally flows and said in 1997 her house flooded because of poor planning surrounding her. She agreed with everything Kathryn Cross said. She showed pictures of the dust on the road. The road itself is narrow and has very weak shoulders. She requested the application be denied.

Judy Olson, 1781 Conn Road, is concerned with the road proposed for the subdivision. She showed on the map where the road was being proposed and said she would like to see no roads coming in off of Conn Road but have the road loop around the back side of the property.

Debra Barnett, 100 Olson Court, said her main concern is the traffic. The traffic is unbearable as it is and the dust is terrible.

Phil Olson, 1781 Conn Road, said the land started off as a 5-acre split and then one of the lots was split down to 2.5 and now wants to split another to 2.5 acres. He said the Planning Board members are the judges as to what should be done. He would like to see everything split at once and he hates to see wildlife destroyed.

**APPLICANT
REBUTTAL**

Irvin reminded the Planning Board to remember what is being proposed tonight. The application is to divide the 5-acre lot into 2-2.5 acre lots and the division complies with the regulations and Master Plan. He received favorable recommendation from Staff and Agencies. He said there are no contentions with any of the conditions and the past history of the property isn't up for review.

**STAFF
REBUTTAL**

None.

**MOTION TO
ADOPT F.O.F.**

Toavs made a motion seconded by Hines to adopt Staff Report FPP 06-60 as findings-of-fact.

**MOTION TO
ADD F.O.F. 8**

Toavs made a motion seconded by DeKort to add finding-of-fact 8 to state: *The primary subdivision road is on land owned by the applicant but not included in the subdivision.*

The motion was carried by quorum.

**MOTION TO
ADD F.O.F. 9**

Toavs made a motion seconded by DeKort to add finding-of-fact 9 to state: *The new subdivision road will create access to 3 land locked pieces of property not included in the subdivision but previously owned by the applicant.*

The motion was carried by quorum.

**MOTION TO
ADD F.O.F. 10**

DeKort made a motion seconded by Robertson to add finding-of-fact 10 to state: *Public testimony provided evidence that runoff water creates seasonal ponding in the proposed subdivision*

The motion was passed 5-1 with Toavs dissenting.

**MOTION TO
ADD F.O.F. 11**

Robertson made a motion seconded by Hines to add finding-of-fact 11 to state: *The preliminary plat shows a road extending along the southern boundary to the west of bonnie acres.*

The motion failed 2-4 with Mower, Toavs, Dziza and DeKort dissenting.

**MOTION TO TO
ADD F.O.F. 11**

DeKort made a motion seconded by Robertson to add finding-of-fact 11 to state: *The density is inconsistent with the general neighborhood character.*

The motion was carried by quorum.

**MOTION TO
ADD F.O.F. 12**

DeKort made a motion seconded by Robertson to add finding-of-fact 12 to state: *The unpaved portion of Conn Road is substandard. Conn Road has associated air quality problems, as cited by the State of Montana and public testimony.*

The motion was carried by quorum.

**MOTION TO
DENY**

Robertson made a motion seconded Hines by to recommend denial of FPP 06-60 as amended to the County Commissioners.

**BOARD
DISCUSSION**

Robertson said the welfare of people on the road has deteriorated from more and more vehicles on it.

Mower said safety is a big concern and said the proposal is a good example as to what can happen when land is subdivided without the appropriate regard for infrastructure.

The motion was carried by quorum.

OLD BUSINESS Discussion was held regarding the Riverdale plan and public hearings.

MOTION TO POSTPONE RIVERDALE PUBLIC HEARING Cross made a motion seconded by Hines to postpone the Riverdale public hearing.

The motion was carried by quorum.

NEW BUSINESS Hines said he would see everyone in September because he wasn't going to be at any more meetings.

Grieve handed out a packet of information to the Board that contained:

- Draft Agenda for July 31 Retreat
- Copy of Riverdale Plan Agenda
- Copy of the updated agenda for the subdivision regulation workshops
- Copy of Kim Fleming's comments on the subdivision regulations
- Copy of report for creating posting signage on property with subdivision activity.

ADJOURNMENT The meeting was adjourned at approximately 7:40 p.m. on a motion by Robertson seconded by DeKort. The next meeting will be held at 6:00 p.m. on August 8, 2007.

Gene Dziza, Chairperson

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 8/15/07